

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VERSUS

CRIMINAL NO. 1:00cr25WJG-JMR-1

DWIGHT BRADLEY

ORDER ON MOTION FOR SENTENCE REDUCTION

THIS MATTER is before the Court on the motion [25] filed by the Federal Public Defenders Office on behalf of Defendant Dwight for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) based upon recent amendments to the sentencing guidelines applicable to offenses involving cocaine base, and the subsequent decision by the United States Sentencing Commission to make this amendment retroactive, pursuant to United States Sentencing Guideline section 1B1.10 effective March 3, 2008. Also pending before the Court is Defendant's *pro se* motion for sentence reduction under the same amendments.

The Court has considered the recalculation of Defendant's sentencing as submitted by the United States Probation Office and the record in this matter, and finds that Defendant's sentence should be reduced. Based upon the amended guidelines, Defendant's amended total offense level becomes a 27, and with his criminal history category of IV, his new guideline sentencing range is 100 to 125 months. Because of the ten-year minimum mandatory sentence applicable in this case, however, Defendant's guideline range is 120 to 125 months. The Court therefore finds that Defendant's sentence should be reduced to 120 months, resulting in a reduction of 1 month from Defendant's original sentence. Both the Federal Public Defenders Office and the United States Attorneys Office have submitted written concurrence with this calculation.

ORDERED AND ADJUDGED that the motion [25] of the Defendant filed by the Federal Public Defenders Office for sentence reduction be, and is hereby, granted. It is further,

ORDERED AND ADJUDGED, that Defendant's *pro se* motion be, and is hereby, denied as moot. It is further,

ORDERED AND ADJUDGED that Defendant's sentence is reduced to 120 months. It is further,

ORDERED AND ADJUDGED that, should the Bureau of Prisons determine that the reduction in sentence will result in Defendant's immediate release, Defendant is hereby sentenced to time-served. It is further,

ORDERED AND ADJUDGED that should Defendant be eligible for immediate release, his release will be delayed for ten days from the date of entry of this Order to enable the Bureau of Prisons (1) to review Defendant for possible civil commitment as a sexually dangerous person, as required by 18 U.S.C. § 4248; (2) to notify victims and witnesses of the release of an offender as required by 18 U.S.C. § 3771; (3) to notify law enforcement officials and sex offender registration officials of the release of a violent offender or sex offender pursuant to 18 U.S.C. § 4042(b) and (c); and (4) to permit adequate time to collect DNA samples pursuant to 42 U.S.C. § 14135a. It is further,

ORDERED AND ADJUDGED, that in all other respects the original Judgment of this Court, (Ct. R., Doc. 20), remains in full force and effect.

SO ORDERED AND ADJUDGED this the 19 day of May, 2008.

Walter J. Gax III
UNITED STATES SENIOR DISTRICT JUDGE